

## Fett, Walter

---

**From:** Doug Mendoza <DMENDOZA@stlmsd.com>  
**Sent:** Monday, January 30, 2012 1:48 PM  
**To:** Fett, Walter  
**Cc:** DNRContact, jrlodd@stlmsd.com; Christopher J. Bulmahn; Dave Kupke; Jason Gill; Margie Irvin; Martin Blecha; Michael S. Kynion; Scott Rehmer; Tom Boehm; Brian G. Gibson; Darin Lewis; Rebecca Vitelli; Sara Kammerer; DNRContact, sgrace@stlmsd.com; Dave Schepers; Douglas R. Bormann; Joe Pavlich; Wesley Williams  
**Subject:** Submittal of comments regarding Missouri's proposed rule 10 CSR 20-6.100 General Pretreatment Regulation

Department of Natural Resources  
Division of Environmental Quality  
Walter Fett  
PO Box 176  
Jefferson City, MO 65102

Dear Mr. Fett:

The Metropolitan St. Louis Sewer District, which has a State-approved Industrial Pretreatment Program, submits comments regarding the Department of Natural Resources' proposed rule 10 CSR 20-6.100 General Pretreatment Regulation. We are pleased that the Department is proposing adoption of the most recent federal pretreatment regulations. Those regulations include streamlining provisions which provide flexibility to better administer the regulations.

One example of the benefits that the proposed rule would have for the District's service area is the ability to eliminate individual discharge permits which provide little additional environmental protection. Under the existing regulations, all industries subject to EPA-regulated wastewater categories must be issued a permit. The permits must be issued regardless of the volume of wastewater discharged. Unfortunately, for industries with very low discharge volumes, the permits provide little to no additional useful data, while increasing expenses for both the industries and the District. The proposed rule would allow the District to forego permits for industries that discharge less than 100 gallons per day of EPA-regulated wastewater, so long as the industries are and remain in good compliance. All other wastewater requirements, including discharge limitations, would continue to apply. For the District's customers, this could reduce regulatory costs for approximately 20 percent of wastewater discharge permittees.

Regarding specific portions of the proposed rule, we submit the following comments:

- In paragraph (2)(B), the proposed rule states, "The rules in this list refer only to the rules that contain pretreatment standards or limitations for industrial facilities that discharge to the local publically-owned treatment works." It then goes on to present a list of parts from 40 CFR 4xx.

Three parts were omitted from paragraph (2)(B): 40 CFR parts 437 Centralized Waste Treatment Point Source Category, 442 Transportation Equipment Cleaning Point Source Category, and 444 Waste Combustors Point Source Category. They all have pretreatment standards for industrial facilities that discharge to publically-owned treatment works, and should be added to the list.

We understand that the proposed rule was developed using the February 1999 version of EPA's "Introduction to the National Pretreatment Program" document as a reference. Multiple new categorical regulations have been promulgated since this document was published, and most were included in the proposed rule's list. A new version of EPA's document, published in June 2011, contains a complete list of categorical industries, including the three listed above.

- For paragraph (5), the proposed rule substitutes citations to 40 CFR part 136 with 10 CSR 20-7.015(9)(A). 40 CFR part 136 is revised fairly frequently, as analytical methods and equipment are developed or improved. In addition, 40 CFR part 136 makes reference to the most recent versions of Standard Methods, ASTM, etc. 10 CSR 20-7.015(9)(A) is not regularly revised to reflect changes to 40 CFR part 136. This could mean that those laboratories that follow the state list will use a method that is not federally approved. The proposed rule should remove the substitution, to insure that only current, federally-approved methods are used.

We realize that the state regulation was referenced because it is cited in Missouri State Operating Permits, Standard Conditions, Part I, A.4. However, improved, federally-approved wastewater analytical methods should be available for use in Missouri. If the state must include a reference to its specific list of analytical methods, then referencing both regulations, in order to allow a method to be used if it is in one of the two regulations, would resolve this.

- In paragraph (10), the proposed rule substitutes “the Missouri Hazardous Waste Management Law...and the Missouri Solid Waste Management Law...” for “subtitles C and D of the Resource Conservation and Recovery Act” in 40 CFR §403.8(f)(2)(iii). This section of 403 requires that industrial users be notified of any applicable requirements under subtitles C and D of the Resource Conservation and Recovery Act (RCRA). We do not believe it is appropriate to change the notification requirements retroactively for all industrial users that have been previously notified. In addition, the federal requirement to notify industrial users of “any applicable requirements under subtitles C and D of the Resource Conservation and Recovery Act (RCRA)” would still apply. However, since the proposed state regulation does not also reference the federal requirements, pretreatment programs in Missouri may not be aware that the federal requirement still exists and may fail to perform that notification for new industrial users.

The State has written an opinion that a new notification “may be done during the annual inspection of the industrial user and documented in the inspection report.” However, only significant industrial users are necessarily inspected annually, and they may be only a small subset of all industrial users in a pretreatment program. Other industrial users may be inspected on a less frequent basis, meaning that it may take several years for them to be informed. Perhaps the changed notification requirements could be applied only to newly-identified industrial users. If the rule is finalized as proposed, this needs to be clarified.

- For paragraph (12)(B), the proposed wording in lieu of 40 CFR section 403.14(b) is no different from what is already in section 403.14(b). To avoid confusion for readers of the final rule, this proposed paragraph [(12)(B)] should be eliminated.

Thank you for this opportunity to provide comment. If there are any questions, please reply back or contact me at 314.436.8717.

Sincerely,

**METROPOLITAN ST. LOUIS SEWER DISTRICT**

Douglas M. Mendoza, P.E.

Manager of Industrial Pretreatment